

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11552 RGS

NORTH AMERICAN SPECIALTY)
INSURANCE COMPANY,)
Plaintiff)
vs.)
MEDFORD ELECTRICAL)
CONTRACTING CORPORATION, and)
JOHN B. GIACALONE,)
Defendants.)

JOHN B. GIACALONE'S ANSWER TO COMPLAINT

Defendant, John B. Giacalone ("Giacalone") answers the Complaint as follows:

1. Neither admits nor denies since he has no knowledge.
2. Medford filed for bankruptcy on July 15, 2004, in the Bankruptcy Court for the District of Massachusetts, Eastern Division No. 04-15911.
3. Admits.
4. Neither admits nor denies since he has no knowledge.
5. Neither admits nor denies since he has no knowledge.
6. Admits that Medford was an electrical contractor.
7. Admits.
8. Admits that Giacalone executed Exhibit B which document speaks for itself.
9. Neither admits nor denies since he has no knowledge.
10. Denies.
11. Denies that Medford defaulted and neither admits nor denies the remainder of the allegation since he has no knowledge.

31. Realleges his answers to paragraphs 1 through 30.
32. States that the GIA speaks for itself.
33. Realleges his answers to paragraphs 1 through 32.
34. States that the GIA speaks for itself.
35. Realleges his answers to paragraphs 1 through 33.
36. Neither admits nor denies since he has no knowledge.
37. Neither admits nor denies since he has no knowledge.
38. Denies.
39. Realleges his answers to paragraphs 1 through 38.
40. Neither admits nor denies since he has no knowledge.
41. Admits.
42. Denies.
43. Neither admits nor denies since he has no knowledge.
44. Neither admits nor denies the first sentence since he has no knowledge.

Denies the second sentence.

45. Denies.
46. Realleges his answers to paragraphs 1 through 45.
47. Neither admits nor denies since he has no knowledge.
48. Admits.
49. Denies.
50. Denies.

FIRST AFFIRMATIVE DEFENSE

Plaintiff has failed to mitigate its damages.

SECOND AFFIRMATIVE DEFENSE

Plaintiff has incurred expenses which it need not have incurred under the circumstances.

THIRD AFFIRMATIVE DEFENSE


Plaintiff is barred from recovery by estoppel.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff is barred from recovery by unclean hands.

WHEREFORE, Giacalone requests the Complaint be dismissed with prejudice and without costs.

10/14/04
Date

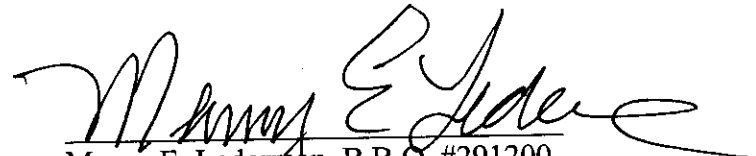

Maury E. Lederman, B.B.O. #291200
MURTHA CULLINA LLP
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(617) 457-4000

CERTIFICATE OF SERVICE

I, Maury E. Lederman, hereby certify that I served a copy of the foregoing document, postage prepaid, to:

Bradford R. Carver, Esquire
CETRULO & CAPONE LLP
Two Seaport Lane, 10th Floor
Boston, MA 02210

10/14/04
Date


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